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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,571	10/17/2001	Motoki Kato	450100-4886.1	7985

20999 7590 08/09/2004  
FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

YOUNG, WAYNE R

ART UNIT PAPER NUMBER

2652

DATE MAILED: 08/09/2004

29

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

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**Commissioner for Patents**

The reply filed on 5/17/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amendment filed on 5/17/04 amending all claims drawn to the elected invention to be drawn to a non-elected invention is non-responsive (MPEP § 821.03). The prior office action rejected all pending claims under § 112 based on the fact that applicant was claiming and arguing patentability of a recording apparatus elected and ongoingly prosecuted in response to the Restriction requirement mailed 1/31/02. Applicant has now amended the claims to be drawn to a combination recording/reproducing system/method and argued patentability based thereon citing portions of the disclosure drawn to reproducing structure that "may" show claimed limitations in contention in the § 112 rejection. As set forth in the office action mailed 2/25/04, paragraphs 2 and 3, given the fact that applicant is now claiming and arguing the combination recording/reproducing system/method, this invention is patentably distinct from the elected and previously prosecuted recording apparatus invention. Hence, the reply filed 5/17/04 is non-responsive.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

W. R. Young  
Primary Examiner  
Art Unit: 2652